

Document: Final Rule

Source: February 1, 2001, Indiana Register, Volume 24, Number 5

Disclaimer: These documents were created from the files used to produce the official (printed) Indiana Register, however, these documents are unofficial.

**TITLE 905 INDIANA ALCOHOLIC BEVERAGE
COMMISSION**

LSA Document #00-107(F)

DIGEST

Adds 905 IAC 1-12.5 to establish a procedure for meeting requirements to be a certified Indiana alcoholic beverage commission server permittee. Effective 30 days after filing with the secretary of state.

905 IAC 1-12.5

SECTION 1. 905 IAC 1-12.5 IS ADDED TO READ AS FOLLOWS:

Rule 12.5. Server Permittees; Certification

905 IAC 1-12.5-1 Definitions

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-18-9

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) “Approved trainer” refers to a person who:

- (1) demonstrates thorough knowledge of the curriculum;**
- (2) demonstrates the ability to instruct others; and**
- (3) is approved by the Indiana alcoholic beverage commission.**

(c) “Employee” refers to a person who sells, dispenses, or provides alcoholic beverages, either by the drink or for carry out.

(d) “Server training program” refers to a program given by an Indiana alcoholic beverage commission approved trainer to employees with regard to:

- (1) recognizing an intoxicated patron;**
- (2) recognizing a minor;**
- (3) recognizing false identification;**
- (4) dealing with a belligerent person; and**
- (5) providing an alternative to an alcoholic beverage.**

(Indiana Alcoholic Beverage Commission; 905 IAC 1-12.5-1; filed Dec 18, 2000, 9:52 a.m.: 24 IR 1354)

905 IAC 1-12.5-2 Authority of the commission

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-18-9

Sec. 2. The Indiana alcoholic beverage commission may certify a server training program presented to a permittee. *(Indiana Alcoholic Beverage Commission; 905 IAC 1-12.5-2; filed Dec 18, 2000, 9:52 a.m.: 24 IR 1354)*

905 IAC 1-12.5-3 Training included

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-18-9

Sec. 3. A server training program is given to an employee and includes, but is not limited to, the following:

- (1) Recognizing false identification.**
- (2) Recognizing an intoxicated person.**
- (3) Criminal and civil liability.**
- (4) Tobacco laws.**
- (5) Selling alcoholic beverages responsibly.**

(Indiana Alcoholic Beverage Commission; 905 IAC 1-12.5-3; filed Dec 18, 2000, 9:52 a.m.: 24 IR 1354)

905 IAC 1-12.5-4 Training criteria

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-18-9

Sec. 4. (a) To qualify as a certified server training program, the following criteria must be met:

- (1) The training must include either a video, display cards, overheads, or slides.**
- (2) The training must provide for questions from the students.**
- (3) The training must include handouts that the employees are allowed to keep.**
- (4) The training must include an examination that covers the following topics:**
 - (A) Monitoring a patron's behavior.**
 - (B) Recognizing an intoxicated patron.**
 - (C) Recognizing an underage patron.**
 - (D) Checking identification.**
 - (E) Recognizing false or altered identification.**
 - (F) Providing alternatives to alcoholic beverages.**
 - (G) Problem solving in dealing with intoxicated or belligerent patrons.**
 - (H) Indiana law and rules pertaining to alcoholic beverages.**
- (5) Successful completion of an examination that covers all topic areas in section 3 of this rule and is quantifiable.**

(b) An applicant must apply on a form prescribed by the Indiana alcoholic beverage commission and present his or her program to a representative of the Indiana alcoholic beverage commission.

(c) The Indiana alcoholic beverage commission must approve any changes in the certified server training program, including changes in trainers.

(d) Nothing in this rule prohibits an employee from taking a noncertified server training program.

(e) All training and certification records shall be subject to review and inspection by the Indiana alcoholic beverage commission. *(Indiana Alcoholic Beverage Commission; 905 IAC 1-12.5-4; filed Dec 18, 2000, 9:52 a.m.: 24 IR 1354)*

905 IAC 1-12.5-5 Approved trainer responsibilities

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-18-9

Sec. 5. (a) The commission shall create a seal that may be sold at cost to a certified trainer program and assign an approved trainer number accordingly.

(b) Upon successful completion of the server training program, the approved trainer shall be allowed to stamp the back of an employee's permit indicating the date of the program, the trainer's name, and the trainer's number.

(c) An approved trainer shall keep records of all training conducted on a form approved by the Indiana alcoholic beverage commission and report the training on a regular basis or as requested.

(d) The Indiana alcoholic beverage commission prosecutor may take into consideration the successful completion of a certified training program when prosecuting an employer or employee for a violation of an Indiana alcoholic beverage commission law or rule. *(Indiana Alcoholic Beverage Commission; 905 IAC 1-12.5-5; filed Dec 18, 2000, 9:52 a.m.: 24 IR 1355)*

Notice of Intent Published: 23 IR 2264
Proposed Rule Published: August 1, 2000; 23 IR 2899
Hearing Held: August 29, 2000
Approved by Attorney General: December 4, 2000
Approved by Governor: December 14, 2000
Filed with Secretary of State: December 18, 2000, 9:52 a.m.
Incorporated Documents Filed with Secretary of State: None